IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 810 of 2005

Between:

T. Gangamma, W/o. Paravaiah,
R/o. Rangampet Village, Kulcheram-Mandal, Medak District.

..... PETITIONER

AND

1 The General Manager Telecom District, Sangareddy Bharat Sanchar Nigam Limited, Office at Sangareddy, Medak District.
2 The Divisional Engineer (Adm), Bharat Sanchar Nigam Limited, Office at Sangareddy, Medak - District.
3 The S.D.O.T/SDE (Groups), Bharat Sanchar Nigam Limited, Office at Sangareddy, Medak - District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the respondents in tampering with the original application of the petitioner and in obtaining a false affidavit from her and forcing her to retire on 31-1-2005 by treating her to retire on 31-1-2005 by treating her date of birth as 17-1-1945, instead of 17-1-1955, which is contra to the original records and identity cards issued by the respondents as illegal, arbitrary and high handed and also violative of the principles of Natural Justice and also violative of Art 21 of the Constitution of India, and also violative of the Telecom Service Rules.

Counsel for the Petitioner: MR. UNNAM.MURALIDHAR RAO

Counsel for the Respondents: MR. Y. RAVINDRA

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 810 of 2005

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in tampering with the original application of the petitioner and in obtaining a false affidavit from her forcing her to retire on 31.1.2005 by treating her date of birth as 17.1.1945 instead of 17.1.1955 as illegal and arbitrary.

As per the directions of this court, the learned counsel for the respondents made available the Service Register of the petitioner and also the notarized affidavit filed by the petitioner on 23.4.2004 before the respondents. Perused the Service Register of the petitioner wherein the date of birth of the petitioner is specifically mentioned as 17.1.1945. The petitioner also gave a notarized affidavit stating that her date of birth is 17.1.1945. Basing on the same, the Service Register of the petitioner has been opened.

The learned counsel for the petitioner contended that the petitioner does not know the contents of the affidavit as she is an illiterate and as per the identity card issued by the respondents themselves the date of the petitioner is 17.1.1955 but not 17.1.1945.

There is a serious dispute with regard to the date of birth of the petitioner, but as per the Service Register of the petitioner and also the notarized affidavit filed by the petitioner the date of birth is 17.1.1945. Therefore if the respondents are going to retire the petitioner basing on the date of birth in the Service Register, the same cannot be said to be violation of any rules and regulations.

Learned counsel for the petitioner also contended that the petitioner may be referred to Medical Board. Since her own affidavit and the Service Register go show that her date of birth is 17.1.1945, there is no need to refer the petitioner to Medical Board.

In view of the above, the writ petition is disposed of leaving it open to the petitioner all the remedies available under law.

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K.C. Bhanu, J.

Date: 31—01—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager Telecom District, Sangareddy Bharat Sanchar Nigam Limited, Office at Sangareddy, Medak District.
2 The Divisional Engineer (Adm), Bharat Sanchar Nigam Limited, Office at Sangareddy, Medak - District.
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